

REMARKS

The Claims

Original claims 1-20 have been cancelled. New claims 21-44 have been added and are pending.

The Parent Office Action

The Office Action in the parent application is attached as Exhibit "A."

Analysis of the Prior Art Relied Upon in the Parent Office Action

LeBlanc (U.S. 4,696,132) was relied upon as the primary reference in all rejections.

It is significant to examine the underlying intent of the LeBlanc invention, together with the problem addressed and solved by LeBlanc. LeBlanc proposes a foundationless shelter 10 which can be folded and unfolded for shipping and use purposes, as many times as desired.

The most fundamental problem addressed by LeBlanc is set forth at column 1, lines 34-42:

There is a tremendous problem in supplying third world countries with affordable housing by industrialized nations due to the tremendous cost of transporting such housing units via plane or boat because of the amount of space that these units, since most are partially or fully constructed, occupy on a ship and a tremendous cost that is involved in shipping a relatively small number of units, which in fact there is need for thousands upon thousands of such units.

LeBlanc states that he "solves the problem" by providing "a habitable shelter and method of construction having a continuous floor portion with a plurality of four exterior walls attached to the floor portion via a hinge means along contiguous sides, the walls being movable [in either direction] between horizontal positions along the floor through vertical upright wall positions." Column 2, lines 37-44.

LeBlanc further states:

... the shelter unit 10 can be shipped easily via a ship or transport vessel wherein shape allocation is of the utmost importance.

Column 4, lines 5-7.

LeBlanc further states:

... when shipped to other countries, the unit would be placed in the storage position as seen in Fig. 9 and units stacked thereupon one another, there being time when constructed units may be hauled over highways or the like toward a less distant destination.

Column 6, lines 42-47.

LeBlanc summarizes:

Overall, the shelter system would be constructed of lightweight yet durable composite materials and would facilitate a tremendous increase in accommodating the vital space in transporting in cargo holds or the like. Likewise, the easy construction of the system following its reaching a destination would require little or no construction ability and would be easily constructed on the site where the shelter would be utilized.

Column 6, line 63 through column 7, line 2.

LeBlanc makes it clear that after erecting the shelter 10, the shelter can be relocated by counter folding the front, rear and side walls from the erect position shown in Fig. 3 (with the roof removed) to the collapsed position of Figs. 2 and 9. See column 6, lines 8-9, i.e. "would be easily again utilized for further transport."

While LeBlanc discloses supporting the shelter 10 on I-beams, blocks or a slab (column 6, lines 53-58), LeBlanc does not connect into a concrete foundation, slab or footing. There is no disclosure of any connection to any form of support located beneath the floor 12. The interior wall structure, shown as being H-shaped in Fig. 1, is added after the walls 20, 22, 27 and 29 are placed in their erect position shown in Fig. 3 utilizing the two-way conventional hinges 35 and 42.

Basically, for shipping purposes, the shelter 10 is limited to a collapsed rectangular configuration (Fig. 3) comprising a portable floor 12 to which four two-way pivotable walls 20, 22, 27 and 29 are hinge connected by full length elongated hinges 35 (Fig. 4) and 42 (Fig. 5). While

much longer, the hinges 35 and 42 resemble the pivot/reverse pivot hinges used to secure household doors to support frames. For the LeBlanc shelter to work, the hinges 35 and 42 must accommodate two way rotation. Therefore, hinges 35 and 42 are clearly not fold, crimp or crease lines which accommodate permanent reshaping of a connector in one direction without the ability to readily rotate the connector in the opposite direction to the original position.

When in the erect position, tongue and groove corner pieces 52 (Fig. 7) must be rigidly inserted at the corners between the erected walls to provide stability.

The rear wall 29 is six feet high while the front wall 27 is eight feet high so that the roof, shown in Fig. 10, when added, will slope from front to back by two feet. Head clearance becomes an issue. Obviously, the roof, illustrated in Fig. 10 is a removable one, to accommodate collapse and shipment of the shelter 10 from one location to another location. Thus, as stated above, the hinges 35 and 42 must be capable of an easy reverse rotation, contrary to the present invention.

It is to be noted that the end walls 20 and 22 (Fig. 5) do not rest contiguously upon the floor 12, but rather upon a rectangular spacer or mounting block 40 so that the end walls do not fold into the same plane comprising folded front and rear walls 27 and 28 but rather in a plane immediately above the plane containing front and rear walls 29 and 27, when collapsed.

Recognizing that LeBlanc provides a portable shelter 10, which excludes anchoring to underlying concrete (support is limited to I-beams, blocks or a slab to which the shelter is not attached - see column 6, lines 51-58), reliance on Ernst (U.S. 5,653,563) is misplaced and admits to hindsight. While the anchor 10 proposed by Ernst is designed for insertion into concrete, it is not designed to be embedded in concrete by pouring liquid concrete around the exterior of the anchor 10. Rather, Ernst mandates that a blind bore 62 be drilled in set and cured (hardened) concrete 64, the blind bore receive a quantity of epoxy 66 and the anchor 10 placed in the epoxy. Further, the

anchor 10 does not comprise a tail nor an L-shaped angular tail around which liquid concrete is poured for retention.

Lastly, the anchor 10 would be expensive to fabricate, given the surface configuration and would not in anyway be compatible with LeBlanc, which excludes extending fasteners into concrete.

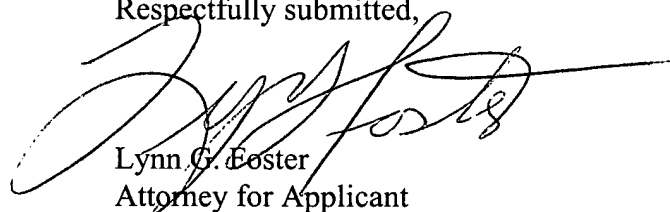
In somewhat of a similar context, reliance on Baldwin (U.S. 6,150,609) also admits to hindsight. The context of Baldwin bears no relationship to the context of the present invention nor to LeBlanc or Ernst and is, therefore, non-analogous art. See Figs. 7 and 8 where the offset nature between plate 38 and U-shaped clasp 43 requires a significant space, which would prohibit the planar collapsing and folding procedure mandated by LeBlanc. Further, the so-called indicia 29 are really apertures in a removable template 21, which is placed upon and removed from the cover plate 25, not the U-shaped member 43.

Conclusion

Clearly the prior art relied upon has been reconstructed by hindsight reliance upon the present application in an effort to provide some relevance between the present invention and the prior art, all of which teaches away from the subject invention.

The pending claims are neither anticipated nor made obvious by LeBlanc, Ernst and/or Baldwin. Allowance is courteously invited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lynn G. Foster", is written over the typed name and title.

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